

**FILED**

NOV - 7 2005

COURT OF APPEALS  
EASTERN DISTRICT OF CALIFORNIA  
BY DP 03

1 QUIN DENVER, Bar #49374  
2 Federal Defender  
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4 Assistant Federal Defender  
5 801 I Street, 3rd Floor  
6 Sacramento, California 95814  
7 Telephone: (916) 498-5700

8 Attorney for Defendant  
9 RYAN LEWIS

10

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA, ) No. CR. S-05-0083 EJG  
14 Plaintiff, )  
15 v. ) **STIPULATION AND ORDER  
RE CONDITIONS OF RELEASE**  
16 RYAN LEWIS et al., )  
17 Defendants. )  
18 \_\_\_\_\_ ) Judge: Hon. Dale A. Drozd  
19 )

20 IT IS HEREBY STIPULATED AND AGREED between plaintiff, United States  
21 of America, and defendant Ryan Daniel Lewis, through their attorneys,  
22 that Mr. Lewis may be released on the following conditions: (1) Pretrial  
23 Services supervision on the conditions set forth in exhibit A (including  
24 electronic monitoring); (2) a bond in the amount of \$500,000, secured by  
25 a lien against the residence of Greg and Sherry Lewis in Newcastle,  
26 California; (3) third-party custody of Greg and Sherry Lewis; and (4)  
including the penalties for failure to appear.

27 The parties have reached this agreement for the following reasons.  
28 At Mr. Lewis's initial appearance in February 2005, Pretrial Services

1 recommended that Mr. Lewis be released on secured bail with numerous  
2 conditions, but Mr. Lewis was ordered detained. However, Mr. Lewis, who  
3 entered guilty pleas on October 14, 2005, accepted responsibility for his  
4 conduct shortly after his arrest and continued to do so in correspondence  
5 and conversation with his family and others. After reviewing the  
6 evidence, counsel for the United States is satisfied that the conditions  
7 proposed below, which have been fashioned in consultation with the  
8 Pretrial Services Office, will reasonably assure that Mr. Lewis appears  
9 for sentencing as scheduled and will further reasonably assure the safety  
10 of the community. The purpose of this release is to enable Mr. Lewis to  
11 spend time together with his family prior to sentencing.

12 The conditions of pretrial supervision and release are set forth as  
13 exhibit A to this stipulation. Other release conditions include the  
14 posting of a secured bond of \$500,000.00 and third-party custody of Greg  
15 and Sherry Lewis, parents of Ryan Lewis. Exhibit B is a sample notice to  
16 defendant being released. Exhibit C is Mr. Lewis's written acknowledgment  
17 of the release conditions, notice, and penalties for failure to appear.  
18 These documents are incorporated in this stipulation by this reference.

Respectfully submitted,

QUIN DENVIR  
Federal Defender

22 Dated: November 4, 2005

/s/ T. Zindel  
TIMOTHY ZINDEL  
Attorney for RYAN LEWIS

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McGREGOR SCOTT  
United States Attorney

26 | Dated: November 4, 2005

/s/ S. Lapham (signature on file)  
R. STEVEN LAPPHAM  
Assistant U.S. Attorney

28 | // / / /

**O R D E R**

Defendant Ryan Lewis is ordered released on the conditions set forth in Exhibit A and upon the posting of a secured bond of \$500,000.00. The parties shall notify the Courtroom Deputy Clerk when the appearance bond and third-party custody agreement are fully-executed and the bond is secured. Upon notification from the Courtroom Deputy Clerk, the Court will prepare and file a release order.

Defendant shall report to Pretrial Services immediately upon his release from custody and shall appear in court as they may direct.

IT IS SO ORDERED.

DATED: November 7, 2005.

Dale A. Dugd  
DALE A. DUGD  
UNITED STATES MAGISTRATE JUDGE

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## **Exhibit A**

### **Conditions of Release**

**RE: Ryan Daniel Lewis  
No. Cr. S-05-038 EJG**

1. You shall report to and comply with the rules and regulations of the Pretrial Services Agency;
2. You shall report in person to the Pretrial Services Agency immediately following your release;
3. You are released to the third-party custody of your parents, Greg and Sherry Lewis; and you shall reside at their residence and not change your residence or absent yourself from this residence without the prior approval of the Pretrial Services Officer;
4. Your travel is restricted to the Eastern District of California, and you shall remain in your residence at all times with the exception of leave approved by Pretrial Services for employment purposes, drug testing, counseling sessions, and medical emergencies, and a third party custodian must be present with you for any pre-approved travel or leave, unless otherwise approved in advance by the Pretrial Services Officer;
5. You shall not associate or have any contact with co-defendants and/or potential witnesses associated with this case during the pendency of this case;
6. You shall not possess a firearm, destructive device, or other dangerous weapon; additionally, you shall provide written proof of divestment of all firearms currently under your control;
7. You shall refrain from excessive use of alcohol or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you shall notify Pretrial Services immediately of any prescribed medications;
8. You shall submit to drug or alcohol testing as approved and deemed necessary by the Pretrial Services Officer;
9. You shall participate in a program of medical or psychiatric treatment, including treatment for drug or alcohol dependency, as approved by the Pretrial Services Office; and shall be financially responsible for the counseling;
10. You shall maintain employment with your father's company, Sunset Ridge Enterprises, and provide verification to Pretrial Services as directed;
11. You shall, in accordance with this release order, have a Home Monitoring Unit installed in your residence, a radio frequency transmitter device attached to your person, and shall comply with all instructions for the use and operation of said devices as given to you by the Pretrial Services Agency and employees of the monitoring agency.

## **Exhibit B**

### **Notice to Defendant Being Released**

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

)

Case No.

Plaintiff,

)

v.

Ryan DANIEL LEWIS

)

NOTICE TO DEFENDANT  
BEING RELEASED

Defendant.

)

A. You are advised that you are being released pursuant to the "Bail Reform Act of 1984".

B. Conditions of Release

You are further advised that your release is subject to the following conditions in addition to any conditions contained in your Bond form:

1. That you shall appear on time at all proceedings as required and shall surrender for service of any sentence imposed as directed.
2. That you shall advise the court and your attorney prior to any change in address.
3. That you shall not commit any offense in violation of federal, state or local law while on release in this case.
4. Travel Restrictions: *see exhibit A*
5. Other Special Conditions: *see exhibit A*  
See Attached

C. Advice of Penalties and Sanctions

You are further advised that:

1. It is a criminal offense under Title 18 U.S.C. §3146, if, after having been released, the defendant knowingly fails to appear as required by the conditions of release or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for –
  - a. an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years or both; PL
  - b. an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both;
  - c. any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years or both; or
  - d. a misdemeanor, the defendant shall be fined not more than \$2,000 or imprisoned not more than one year, or both. If punishable by more than 6 months, the fine is not more than \$100,000.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense.

In addition, failure to appear may result in the forfeiture of any bail.

2. Conviction of an Offense Committed While on Release

Conviction of an offense committed while on release carries the following sentences which are in addition to the sentence prescribed for the offense and which must be consecutive to any other sentence:

- a. Not more than 10 years if the offense is a felony.
- b. Not more than one year if the offense is a misdemeanor.

3. Violation of Conditions of Release

Violation of any condition of your release may also result in arrest by a law enforcement officer the immediate issuance of a warrant for your arrest, revocation of release, an order of detention, and a prosecution for contempt which could result in a possible term of imprisonment and / or a fine.

4. Obstruction of Justice Crimes

It is an additional crime to:

- a. Endeavor by force or threat to influence, intimidate or impede a juror, officer of the court, or the administration of justice (Title 18 U.S.C. §1503) Penalty: 5 years and/or \$250,000.00
- b. Endeavor to obstruct, delay or prevent a criminal investigation (Title 18 U.S.C. §1510) Penalty: 5 years and / or \$250,000.00.
- c. Tamper with a witness, victim or informant (Title 18 U.S.C. §1512) Penalty: 10 years and / or \$250,000.00.
- d. Harass a witness, victim or informant (Title 18 U.S.C. §1512) Penalty: 1 year and / or \$100,000.00
- e. Retaliate against a witness, victim or informant (Title 18 U.S.C. §1513) Penalty: 10 years and / or \$250,000.00.

**ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that I am the defendant in the above-captioned case and that I am aware of and fully understand the above conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am also aware of and fully understand the penalties and sanctions set forth above for failure to appear, conviction of an offense committed while on release, violation of a condition of release, or any of the obstruction of justice crimes.

Signature on file  
DEFENDANT'S SIGNATURE

on file with pretrial Services  
DEFENDANT'S STREET ADDRESS

Newcastle CA  
CITY STATE ZIP

On file with Pretrial Services  
TELEPHONE NUMBER

(IF AN INTERPRETER IS USED)

I have translated into the \_\_\_\_\_ language the above conditions of release and Advice to Defendant and have been told by the defendant that he / she understands the conditions of release and advice.

INTERPRETER

1 QUIN DENVER, Bar #49374  
2 Federal Defender  
3 TIMOTHY ZINDEL, Bar #158377  
Assistant Federal Defender  
3 801 I Street, 3rd Floor  
Sacramento, California 95814  
4 Telephone: (916) 498-5700

5 Attorney for Defendant  
RYAN LEWIS  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, ) No. CR. S-05-0083 EJG  
12 Plaintiff, )  
13 v. ) **EXHIBIT C -- ACKNOWLEDGMENT**  
14 RYAN LEWIS et al., ) **OF CONDITIONS OF RELEASE**  
15 Defendants. )  
16 \_\_\_\_\_ ) Judge: Hon. Dale A. Drozd  
17

18 I, Ryan Lewis, declare under penalty of perjury that I have  
19 carefully read the stipulation and order setting conditions of my  
20 release, the notice to defendant being released that is attached to that  
21 stipulation (which I have also signed), and each of the 11 conditions of  
22 release that are also attached to that stipulation. I am aware that the  
23 penalties for failure to appear may be as high as 10 years in prison and  
24 a fine of \$250,000 and that those penalties, if imposed, must be ordered  
25 to run consecutive to any other penalty the law may impose.

26 /////  
27 /////  
28 /////

1 I have discussed each part of the stipulation and conditions with my  
2 attorney and acknowledge that I am bound to follow the conditions to the  
3 letter once I am released.

4 I acknowledged that I am required to appear in Court for sentencing  
5 on January 13, 2006, at 10:00 a.m., and at any other date and time that  
6 the Court may set.

7  
8 Dated: November 2, 2005

/s/ R. Lewis (signature on file)  
RYAN LEWIS  
Defendant

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